

Another litmus test for the EU's Common Foreign and Security Policy

Peter van Elsuwege

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As NATO Secretary General Anders Fogh Rasmussen [recently observed](#), the crisis in Ukraine is “the gravest threat to European security since the end of the Cold War.” It is somewhat ironic that this crisis unfolded as a result of discussions surrounding the planned signature of an Association Agreement, which essentially aims to create a zone of stability, prosperity and security on the European continent. This raises the need for self-reflection on the part of the EU. Does the crisis in Ukraine illustrate the limits of the European Neighbourhood Policy? And, how can the EU play a constructive role to solve the crisis?

Looking back: deficiencies of the European Neighbourhood Policy

In light of the current crisis it is an interesting exercise to retrace the first ideas and proposals on what gradually developed as the European Neighbourhood Policy. Very relevant is a [non-paper on 'Wider Europe'](#), jointly written by – at that time – external relations Commissioner Chris Patten and High Representative Javier Solano in August 2002. In this document, the authors observed that redefining the EU's relations with its Eastern neighbours constitutes “the most immediate challenge” of the new policy. Significantly, they also devoted attention to the Russian Federation: “The EU's dialogue and co-operation with Russia on specific challenges emanating from, or relating to, the other countries of the region are crucial to chances of solving them.”

However, such dialogue never really materialised. The ENP developed separately from the EU-Russia Strategic Partnership and largely copied the methodology and rationale of the EU's enlargement policy be it without the carrot of accession. The Russian-Georgian military conflict of August 2008 was a first warning that simply extending the EU's norms and values to the Eastern ENP countries is not sufficient to stabilise the region. An extraordinary European Council meeting organised in September 2008 [strongly condemned](#) Russia's actions and accelerated the preparations for the Eastern Partnership (EaP) including relations with Ukraine, Moldova, Belarus and the Southern Caucasus countries. The conclusion of a new generation of Association Agreements including provisions on the establishment of Deep and Comprehensive Free Trade Areas (DCFTAs) is at the centre of this policy.

From the outset, Russia's perception of the EaP has been very negative. The experience of ‘colour revolutions’ in its direct vicinity as well as the elaboration of this new policy in the wake of the Georgia crisis explain Moscow's scepticism. Russian concerns about the economic and political consequences of the EaP have

always been countered by the official EU position that the EaP is a positive project promoting prosperity and stability in Europe, and as such also in the interest of Russia. Whereas this approach may sound attractive, it basically conceals the lack of a comprehensive EU strategy for the entire region. Arguably, this is partly related to the EU's constitutional complexity which almost unavoidably reduces any strategic foreign policy to the lowest common denominator. In such a context, path-dependency is the easiest option. The construction of the ENP is a perfect example of such an approach.

Looking forward: an EU role in solving the conflict?

The EU's institutional set-up also makes it rather difficult to quickly and decisively respond to an unfolding crisis. Despite the innovations of the Lisbon Treaty and the ambition to reinvigorate the Common Foreign and Security Policy (CFSP), every international crisis reveals the limits of the existing structures. The political compromise of 21 February 2014, which made an end to violence on Maidan, was brokered by the foreign ministers of Poland, France and Germany. The constitutional basis for their action as representatives of the EU is somewhat obscure. According to the Treaties, the EU's external representation in the field of CFSP belongs to the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy (Arts. 15 and 18 TFEU). What appeared to become a success story for EU diplomatic mediation soon received a major blow when the political compromise was blown up at Maidan, President Yanukovich fled and Vladimir Putin launched its operation in the Crimea.

From the perspective of the EU, it is rather painful that the last attempt to find a political way out of the crisis before the Crimea referendum was a bilateral meeting between American Secretary of State John Kerry and Russia's Foreign Minister Sergey Lavrov. One could have expected to see the EU's High Representative around the table. It is also unfortunate that European Council President Van Rompuy cancelled a high-level meeting with Russian President Vladimir Putin on 19 March 2014, officially because the secret visit was leaked but according to certain sources because not all EU Member States supported his initiative. Be that as it may, the reality is that the EU's CFSP is Member State-driven. Finding a common position in response to international crisis situations is not an easy task in a Union of 28 Member States with divergent interests and ambitions. The crisis in Ukraine is yet another litmus test for the credibility of the EU's external action. Only if the EU Member States can avoid open disagreements in responding to Russia's annexation of the Crimea and, even more important, if the EU can play a decisive role in brokering an exit strategy to avoid a further escalation it can legitimately claim to be a significant global actor. As NATO Secretary General Anders Fogh Rasmussen [recently observed](#), the crisis in Ukraine is "the gravest threat to European security since the end of the Cold War." It is somewhat ironic that this crisis unfolded as a result of discussions surrounding the planned signature of an Association Agreement, which essentially aims to create a zone of stability, prosperity and security on the European continent. This raises the need for self-reflection on the part of the EU. Does the crisis in Ukraine illustrate the limits of the

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